

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION**

SPINE SOLUTIONS, INC., a)
Delaware corporation,)
)
Plaintiff,)
)
v.) No. 07-2175 JPM-dkv
)
MEDTRONIC SOFAMOR DANEK, INC.,)
an Indiana corporation;)
MEDTRONIC SOFAMOR DANEK USA,)
INC., a Tennessee corporation,)
)
Defendants.)

ORDER ADOPTING REPORT AND RECOMMENDATION

Before the Court is the Magistrate Judge's Report and Recommendation on Defendants' Motion to Compel the Deposition of Marvin Petry (Doc. 85), entered January 8, 2008. The Magistrate Judge recommends granting the motion, which was filed on October 3, 2007 (Doc. 61), and referred to the Magistrate Judge for a report and recommendation on November 14, 2007 (Doc. 72). In their motion, Defendants sought leave to depose Petry regarding his prosecution of U.S. Patent No. 6,936,071. Plaintiff responded in opposition to the motion on October 18, 2007 (Doc. 64). Defendants filed a reply on November 6, 2007 (Doc. 69), and Plaintiff filed a surreply on November 13, 2007 (Doc. 70-2).

No objections to the Report and Recommendation have been filed, and the time for filing objections has expired. Upon de novo review of the Magistrate Judge's recommendation and review

of the Parties' submissions to the Court, the Court ADOPTS the Report and Recommendation in its entirety and GRANTS Defendants' Motion to Compel the Deposition of Marvin Petry.

So ORDERED this 23rd day of January, 2008.

S/ JON PHIPPS McCALLA
UNITED STATES DISTRICT COURT